

**frontier**

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July 13, 1995

**BY OVERNIGHT MAIL**

**Mr. William F. Caton**  
**Acting Secretary**  
**Federal Communications Commission**  
**1919 M Street, N.W.**  
**Washington, D.C. 20554**

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**JUL 14 1995**

**FCC MAIL ROOM**

**Re: CC Docket No. 94-129**

**Dear Mr. Caton:**

**DOCKET FILE COPY ORIGINAL**

Enclosed for filing please find an original plus eleven (11) copies of the Petition for Reconsideration of Frontier Communications International Inc. of the Commission's Report and Order in the above-captioned proceeding.

To acknowledge receipt, please affix an appropriate notation to the copy of this letter provided herewith for that purpose and return same to the undersigned in the enclosed, self-addressed envelope.

**Very truly yours,**

*Michael J. Shortley, III*

**Michael J. Shortley, III**

**cc: International Transcription Service**

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DOCKET FILE COPY ORIGINAL  
Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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In the Matter of

Policies and Rules Concerning  
Unauthorized Changes of Consumers'  
Long Distance Carriers

) DOCKET FILE COPY ORIGINAL  
)  
)  
) CC Docket No. 94-129  
)

**PETITION FOR CLARIFICATION OR DOCKET FILE COPY ORIGINAL  
IN THE ALTERNATIVE, FOR RECONSIDERATION**

Frontier Communications International Inc. ("Frontier") submits this petition for clarification or, in the alternative, for reconsideration of the Commission's Report and Order in the above-captioned proceeding.<sup>1</sup> In its Report and Order, the Commission adopted several new requirements designed to minimize unauthorized changes in consumers' long distance carriers. Frontier believes that the Commission's actions will significantly curtail the deceptive and misleading practices of a few unscrupulous carriers that have generated numerous complaints. However, the Commission should clarify or, in the alternative, reconsider its Report and Order such that its rules concerning the format of a letter of authorization ("LOA") do not apply to customers that have executed written contracts, as opposed to selecting a carrier in some other manner.

When a customer selects a long distance carrier by signing a written contract, there can be little possibility of confusion. Such contracts, whether preprinted or specifically negotiated, usually result from face-to-face meetings between the customer and a

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<sup>1</sup> Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, CC Dkt. 94-129, Report and Order, FCC 95-225 (June 14, 1995) ("Report and Order").

representative of the carrier. They are, moreover, typically used for business, rather than residential, customers. In these circumstances, the customer undoubtedly knows the carrier with whom he or she is dealing and, therefore, the possibility of the customer being confused or misled is virtually nonexistent. As such, the rules governing the content of an LOA, which are designed to prevent such confusion or deception,<sup>2</sup> are unnecessary in this context. Indeed, a written contract is powerful evidence that a customer has chosen the long distance carrier that is a party to that contract.<sup>3</sup> Thus, the Commission should clarify that a *bona fide* written contract complies with its LOA requirements.

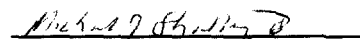
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<sup>2</sup> *Id.*, ¶ 27.

<sup>3</sup> Frontier would not object to a requirement that written contracts contain no promotional material or be severable therefrom. A written contract by nature is not designed as a promotional piece and it would be self-defeating for a carrier to include such material in a binding legal document. The clarification that Frontier seeks is not intended to provide a vehicle for an end-run around the purposes of the Commission's LOA requirements. Frontier intends merely to clarify that its use of *bona fide* written contracts, to which it is bound, satisfies the Commission's requirements.

For the foregoing reasons, the Commission should clarify or, in the alternative, reconsider its Report and Order as suggested herein.

Respectfully submitted,

  
Michael J. Shortley, III

Attorney for Frontier  
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July 13, 1995